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January 20, 2025

Via CM/ECF Filing

Hon. Gabriel W. Gorenstein
U.S.M.J.
United States District Court,
Southern District of New York
500 Pearl Street
New York New York 10007

Re: *Jimenez-Fogarty v. Fogarty, et al.*
Case No.: 1:24-CV-08705-JLR-GWG

Dear Judge Gorenstein:

This firm represents Defendant Thomas Fogarty, in the above-referenced case. In accordance with Rule 1.E. of Your Honor's Individuals Practices, we submit this letter requesting an extension of the briefing deadlines set forth in the Court's January 8, 2025 Order regarding Plaintiff's motion to disqualify counsel for Mr. Fogarty (the "January 8 Order") (ECF Doc. No. 43). This is Mr. Fogarty's third request for an extension of time in this case.¹

Pursuant to the January 8 Order, which granted Mr. Fogarty's initial request for an extension of the briefing schedule, Mr. Fogarty's opposition to Plaintiff's motion shall be filed by January 21, 2025, and any reply to the motion shall be filed by February 3, 2025. (ECF Doc. No. 43). We respectfully request an additional one-week extension of the briefing deadlines such that Mr. Fogarty's opposition shall be filed by January 28, 2025, and Plaintiff's reply shall be filed by February 3, 2025. In submitting our previous request asking that the opposition deadline be set for January 21, 2025, we inadvertently overlooked the fact that my colleague, Brian Gardner, Esq., is out of the country until January 23, 2025. As Plaintiff's motion for disqualification involves allegations concerning Mr. Gardner very directly (see ECF Doc. No. 37), and her Amended Complaint filed on Friday, January 17, contains new factual allegations referencing him

¹ Mr. Fogarty's first request for an extension to respond to Plaintiff's original complaint was denied as moot after Plaintiff expressed her intention to file an amended complaint and Your Honor thus adjourned the deadline to respond to the original complaint *sine die*. (ECF Doc. No. 30).



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specifically (*see* ECF Doc. No. 44), we request a brief further extension so that we may finalize our opposition with Mr. Gardner's input upon his return.

On Friday, January 17, I wrote to Plaintiff via email explaining the basis for the requested extension and asked if she would consent to same. Hearing nothing back from Plaintiff, I followed up by email on Sunday, January 19. As of the filing of this letter, I have not received a response from Plaintiff indicating whether she consents to the requested extension.

Accordingly, we respectfully request that Your Honor grant this letter request and extend the briefing deadlines on Plaintiff's pending motion to January 28, 2025 for opposition and February 10, 2025 for reply. As always, we thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Courtney G. Hindin

Courtney G. Hindin

CGH

cc: All parties and counsel of record (*via ECF*)